
Public Utilities Commission of the State of California

Public Agenda 3185

Thursday, January 11, 2007 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Rachelle B. Chong

Dian M. Grueneich

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, January 22, 2007 (San Francisco)	Thursday, January 11, 2007 (San Francisco)
Friday, February 09, 2007 (San Francisco)	Thursday, January 25, 2007 (San Francisco)
Monday, February 26, 2007 (San Francisco)	Thursday, February 15, 2007 (San Francisco)
Monday, March 12, 2007 (San Francisco)	Thursday, March 01, 2007 (San Francisco)
Monday, April 02, 2007 (San Francisco)	Thursday, March 15, 2007 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1 A05-11-008 - Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).

[6115]

For the 2005 Nuclear Decommissioning Cost Triennial Proceeding to Set Contribution Levels for the Companies' Nuclear Decommissioning Trust Funds and Address Other Related Decommissioning Issues. A05-11-009 - Related matters. This decision adopts an all-party settlement for SCE and SDG&E which resolves all issues in a Joint Application 05-11-008. The Commission also adopts a separate settlement for Pacific Gas and Electric Company in A05-11-009 which resolves all ratemaking issues exclusive of the issues litigated by a customer intervenor. The Commission declines to create an Independent Board of Consultants; the Commission provides guidelines applicable to all three applicants concerning the necessity to ensure that the utilities employ sufficient well-trained and experienced personnel to plan and direct the complex task of decommissioning a retired nuclear generating facility; and the Commission directs the parties to perform in depth analyses of storage costs and contingencies for the next triennial proceedings for all three utilities. A05-11-008 and A05-11-009 are closed.

(Comr Peevey - ALJ Long)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3183, Item 12 11/30/2006 (Peevey);

Agenda 3184, Item 3 12/14/2006 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261642

2 Res ALJ 176-3185

[6147]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

Consent Agenda - Orders and Resolutions (continued)**3** **C06-04-026 - Cox California Telecom, LLC. (Cox) v. Global NAPs California, Inc. (Global Naps)**
[6193]

This decision grants Cox's motion for summary judgment and orders Global NAPs to pay \$985,439.38 plus interest on overdue sums. C06-04-026 is closed.

(Comr Chong - ALJ Bemdesderfer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261241

4 **C06-08-006 - Wesley Crawford Muhammad v. MCI, Inc.**
[6197]

Complainant seeks damages for religious, racial, economic and disability discrimination. Held: Complaint dismissed because the Commission has no jurisdiction to award damages. The claim sounds in tort, not for reparations. C06-08-006 is closed.

(Comr Peevey - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E2479

5 **A06-03-007 - Catalina Freight Line, Inc. (Catalina).**
[6201]

This decision grants Catalina the authority to add routes and types of service on its vessel common carrier service transporting freight between Los Angeles Harbor and Santa Catalina Island, California, and for rate relief to amend its tariff. A06-03-007 is closed.

(Comr Bohn - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262176

6 **Res ALJ-197**
[6206]

This resolution affirms Consumer Protection and Safety Division Citation FC-031. Respondent Coast to Coast Moving, Thomas Stennett, Owner, is ordered to pay a fine of \$500.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261435

Consent Agenda - Orders and Resolutions (continued)

- 7** **ST-84**
[6216] This resolution approves the Consumer Protection and Safety Division Rail Transit Safety Section (RTSS) final audit report titled, "2006 ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC. (SDTI)" dated September 20, 2006. SDTI is ordered to implement the recommendations contained in the report and to provide bi-monthly progress reports to the RTSS. Agenda 3184, Item 25 12/14/2006 (Chong)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262180
- 8** **Res W-4627 - Point Arena Water Works, Inc.**
[6234] This resolution authorizes an interim general rate increase subject to refund, producing an increase of \$20,000 or 10% relative to 2005 gross revenues.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255897
- 9** **A05-04-020 - Verizon Communications, Inc. (Verizon)**
[6235] To transfer control of MCI's California Utility Subsidiaries to Verizon, which will occur indirectly as a result of Verizon's acquisition of MCI. Petition of Greenlining Institute to modify D06-09-008 is denied. A05-04-020 is closed.
(Comr Peevey - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262430
- 10** **A06-08-010 - San Diego Gas & Electric Company (SDG&E)**
[6236] In the Matter of the Application of SDG&E for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project. A05-12-014 - Related matters. This decision closes A05-12-014. The record from that proceeding has been incorporated into A06-08-010, which remains open.
(Comr Grueneich - ALJ Weissman)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254719

Consent Agenda - Orders and Resolutions (continued)

- 11**
[6239] **R06-08-019 - Order Instituting Rulemaking to Set Hourly Rates for Purposes of Calculating Intervenor Compensation Awards Pursuant to Public Utilities Code Section 1801 and Following, for Work Performed in Calendar Year 2006.**
Interim order adopting a 3% Cost-of-Living-Adjustment (COLA) in hourly rates for work performed in 2006, and another 3% COLA for 2007; establishing three levels of rates for intervenor experts, based on applicable experience and similar to the five levels now in place for attorneys; and allowing individual intervenor representatives (attorneys and experts) to request up to two “step increases” of 5% each within each experience level.
(Comr Peevey - ALJ Koss, ALJ Kotz)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262554
- 12**
[6240] **C04-01-020 - Almond Tree Hulling Co.; Arakelian Farms; Baugher Ranch; Beretta Property Management; Campos Brothers Farms; Central California Almond Growers Association; Central Valley Almond Association, Inc.; CF Koehen & Sons, Inc.; Dairyland Hullers; Farmers Cooperative; Harriet Baldwin; Harris-Woolf Almond Huller; Hashem Naraghi; Hilltop Circle L. Ranch; et al. vs. Pacific Gas and Electric Company (PG&E) and DOES 1 through 100.**
This decision grants complainants’ petition for modification of D05-05-048. The Commission finds that since PG&E has a regular business practice of refunding customers that switch from non time-of-use (TOU)commercial rates to agricultural TOU rates, based on the difference between these two rates, PG&E should calculate the refunds awarded to Complainants in D05-05-048 in the same way. This proceeding is closed.
(Comr Peevey - ALJ Prestidge)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262427
- 13**
[6241] **R03-10-003 - Order Instituting Rulemaking to implement portions of AB 117 concerning Community Choice Aggregation.**
This decision adopts certain modifications to the Cost Responsibility Surcharge (CRS) applied to former customers of jurisdictional electrical utilities whose electrical services are provided by Community Choice Aggregators. These changes are consistent with those adopted in D06-07-030 for the CRS applied to direct access customers and customers of municipal utilities. This proceeding is closed.
(Comr Peevey - ALJ Malcolm)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262030

Consent Agenda - Orders and Resolutions (continued)

- 14**
[6242] **Res TL-19081**
This resolution adjusts the rates in Maximum Rate Tariff 4 [MAX 4], governing the transportation of used household goods and personal effects by household goods carriers.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262140
- 15**
[6243] **Res W-4628 - Tahoe Park Water Company.**
This resolution authorizes a general rate increase producing additional annual revenue of \$114,781 or 55.6% in 2007.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259185
- 16**
[6248] **(ECP) C06-09-009 - Harold Jackson Murray, vs. Pacific Bell Telephone Company, dba AT&T Communications of California, Inc.**
Defendant has reimbursed Complainant for all charges in dispute. C06-09-009 is dismissed. C06-09-009 is closed.
(Comr Chong - ALJ Barnett)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=258901
- 17**
[6249] **Res CSID-001**
This resolution adopts the proposal of the Joint Utilities to contract for the operation of the Clearinghouse for Woman, Minority, and Disabled Veteran Business Enterprise suppliers for utilities subject to General Order 156.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262469
- 18**
[6252] **Res E-4037 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's Advice Letter (AL) 2826-E seeking authority under Public Utilities Code Section 851 to grant the county of Yuba three easements for public access over PG&E property. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-186 granting expedited treatment to utility proposals meeting certain requirements. (AL 2826-E filed May 10, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262536
- 19**
[6253] **Res W-4629 - Sonora Water Company.**
This resolution authorizes a revenue increase of \$6,683 or 3.1% to offset the cost of a replacement water tank. (Advice Letter 45, filed October 10, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259536

Consent Agenda - Orders and Resolutions (continued)**20 A05-06-028 - Pacific Gas and Electric Company (PG&E).**

[6256]

For authority to increase revenue requirements to recover the costs to deploy an advanced metering infrastructure. This decision awards compensation for The Utility Reform Network's (TURN) substantial contribution to D06-07-027, which authorized PG&E to deploy an Advanced Metering Infrastructure. The award is \$179,515.11; this compares to total qualified costs of \$213,239.63, which have been reduced by lower hourly rates awarded to two of TURN's attorneys and a voluntary one-third reduction in the attorneys fees requested by TURN. This proceeding is closed.

(Comr Peevey - ALJ Long)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254947

21 A06-10-014 - Ronald J. and Carol M. MacCorkell (Applicants).

[6257]

For modification of Resolution W-4570. Applicants shall not be required to pay the facilities fee specified in Schedule F contained in Appendix B of Resolution W-4463. A06-10-014 is closed.

(Comr Bohn - ALJ Ryerson)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259707

22 C06-09-008 - Reclamation District No. 2038 and Lower Jones Company (Complainants) v. Pacific Gas and Electric Company (PG&E).

[6261]

Complainants seek an order against PG&E (a) finding PG&E in violation of Public Utilities Code Section 1001 by not holding a certificate of public convenience and necessity for the construction of a natural gas pipeline (Pipeline 57C) and connecting the utility's gas storage facility at McDonald Island in the Bay-Delta region to its backbone transmission system; and (b) finding PG&E in violation of Section 625 by not having Commission authorization to condemn property necessary for the construction of Pipeline 57C. The proposed decision affirms the assigned Administrative Law Judge's previous ruling denying Complainants a cease and desist order. The decision grants PG&E's motion for summary judgment on the complaint, thereby concluding this proceeding. Because of public necessity, time for comments and replies is shortened. C06-09-008 is closed.

(Comr Peevey - ALJ Thorson)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261233

Consent Agenda - Orders and Resolutions (continued)

- 23** **A06-08-025 - San Jose Water Company.**
[6263] This decision authorizes San Jose Water Company to issue and sell Debentures not exceeding the Aggregate Amount of \$50,000,000 and to Execute and Deliver Loan Agreement(s). This proceeding is closed.
 (Exam Coughlan)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262674
- 24** **ST-85**
[6264] This resolution grants San Francisco Municipal Transportation Agency the authority to deviate from the overhead clearance requirements of General Order 95 Rule 37, Table 1, Case 5, Column C for span and feeder wires over high level passenger platforms on its San Francisco Municipal Railway Third Street Extension, Phase I project. It allows the reduced clearances without adversely affecting safety by requiring the implementation of specific hazard mitigations.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261433
- 25** **Res E-4058 - Pacific Gas and Electric Company (PG&E).**
[6268] This resolution grants PG&E's request for approval of amended renewable resource procurement contracts with Madera Power, LLC, Community Renewable Energy Services, Inc., and Sierra Power Corporation. This approval is being made with modification. (Advice Letter 2911-E, filed October 6, 2006)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262620
- 26** **A05-05-002 - Pacific Pipeline System, LLP.**
[6277] For authority to increase rates by instituting a \$0.10 per barrel temporary surcharge on all through shipments of crude oil on its Line 63 System that have receipt points in the San Joaquin Valley and delivery points in the Los Angeles Basin. This decision closes this proceeding because no steps remain to be taken pursuant to interim D05-07-036. This proceeding is closed.
 (Comr Peevey - ALJ Prestidge)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=258774

Consent Agenda - Orders and Resolutions (continued)

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[6278]

Res E-4051 - Southern California Edison Company (SCE).

For approval of the amended and restated Dillon Wind LLC (Dillon) renewable resource procurement contract. SCE's Advice Letter (AL) 2035-E is approved contingent upon Dillon securing the necessary environmental clearances required pursuant to the California Environmental Quality Act and Commission approval under Section 851 of California Public Utilities Code. (AL 2035-E, filed August 31, 2006)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262547

28

[6279]

C05-12-004 - Chevron Products Company vs. Equilon Enterprises LLC, dba Shell Oil Products US, and Shell Trading (US) Company.

This order extends statutory deadline to conclude adjudicatory matter.
(Comr Peevey - ALJ Bemmesderfer)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E2483

Regular Agenda

Regular Agenda - Energy Orders

29 **R05-02-023 - Order Instituting Rulemaking to revise Commission General Order Number 95**
[6082] **pursuant to D05-01-030.**

The ALJ has withdrawn his proposed decision and supports the assigned Commissioner's alternate decision, Agenda ID# 6159.

(Comr Peevey - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3182, Item 30 11/9/2006 (Staff);

Agenda 3184, Item 34 12/14/2006 (Bohn)

29a **ALTERNATE TO ITEM 6082**

[6158] This alternate decision revises General Order 95 to establish uniform construction standards for attaching wireless antennas to jointly used poles. This decision approves an unopposed settlement agreement and adopts a new Rule 94 as agreed to by the settling parties. This decision also requires that antenna owners submit information about certain antenna installations to the Commission's Consumer Protection and Safety Division. This proceeding is closed.

(Comr Chong)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3184, Item 34a 12/14/2006 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=259771

Regular Agenda - Energy Orders (continued)

29b ALTERNATE TO ITEM 6082

[6159]

This alternate decision adopts in its entirety, pursuant to Public Utilities Code §451 and §761 the Rule 94 previously sponsored by the Commission's Consumer Protection and Safety Division (CPSD), the International Brotherhood of Electrical Workers Local 1245, the Communications Workers of America-Ninth District, Pacific Gas and Electric Company and San Diego Gas & Electric Company. This alternate decision also rejects assertions of some parties that elements of the new Rule 94 are preempted by the Telecommunications Act of 1996 and Federal Communications Commission (FCC) rules regulating radio frequency (RF) exposure, concluding instead that mere acknowledgment of the FCC's RF rules does not preempt a state agency that enacts construction rules intended to provide a safe working environment for those climbing and working on utility poles bearing electrical overhead lines. Where the proposed decision would adopt a settlement agreement supported by several of the parties, this alternate rejects the settlement agreement because it would remove critical worker safety provisions from Rule 94 and substitute private agreements between some (but not all) pole owners and some (but not all) RF antenna owners. The settlement's contractual provisions cover only a subset of utilities within Commission jurisdiction. These private agreements would clearly exclude many utilities who are not signatories to the settlement agreement and would limit this Commission's oversight authority and CPSD enforcement in protecting worker safety. This alternate decision therefore finds that the settlement agreement is not in the public interest.

(Comr Peevey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3184, Item 34b 12/14/2006 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256770

30 R06-03-004 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

[6237]

This decision resolves the subsidy and measurement issues raised in Decision 05 05 011 and R06-03-004 for renewable Distributed Generation facilities.

(Comr Peevey - ALJ Ebke)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262023

Regular Agenda - Telecommunication Orders**31**
[6089] **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision resolves issues relating to intercarrier compensation for "virtual" NXX traffic transported over the networks of Small Local Exchange Carriers, pursuant to the directives in D03-09-005.

(Comr Peevey - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3182, Item 37 11/9/2006 (Peevey);

Agenda 3183, Item 46 11/30/2006 (Peevey);

Agenda 3184, Item 49 12/14/2006 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=261689

32
[6230] **R _____ - Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.**

Option 1.

Agenda 3184, Item 51 12/14/2006 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262663

33
[6246] **R _____ - Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.**

Option 2 to Item 32.

Agenda 3184, Item 70 12/14/2006 (Staff)

Regular Agenda - Water/Sewer Orders**34**

[6271]

I_____ - Order Instituting Investigation to consider policies to achieve the Commission's conservation objectives for Class A water utilities.

This investigation requests comments on increasing block rates, water revenue adjustment mechanisms, rebates and customer education, conservation memorandum accounts, and rationing programs and consolidates pending conservation rate design applications to set rates and adopt mechanisms and programs in accordance with policies adopted in this proceeding.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=262623

Regular Agenda - Legislative and Other Matters

35

2007 Legislative Package

[6274]

Staff Proposals for Legislation Approved by the Legislative Sub Committee

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing**36 Conference with Legal Counsel - Applications for Rehearing**

[6148]

Compilation of applications for rehearing recently filed with the Commission.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

37 C05-05-030 - Conference with Legal Counsel – Application for Rehearing

[6202]

Disposition of application for rehearing of D06-08-006 filed by Qwest Communications Corporation and Qwest Enterprise America, Inc. (Qwest). D06-08-006 granted the Qwest's Motion for Summary Judgment, and determined that AT&T's practice of imposing different yet-to-be-approved interim rates for cageless collocation service based solely on the date such service was ordered, is unreasonable and unlawful as applied to Qwest, and ordered refunds to Qwest. The Commission ordered the refund amount, including interest calculated at the 90-day commercial paper rate.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3184, Item 61 12/14/2006 (Staff)

38 A05-07-024 - Conference with Legal Counsel - Application for Rehearing

[6223]

Disposition of application for rehearing of D06-01-043 in A05-07-024 by Pacific Bell Telephone Company (dba SBC California). D06-01-043 adopted an amendment to existing interconnection agreements that various competitive local exchange carriers have with SBC California in this change-of-law proceeding resulting from changes in federal unbundling obligations of incumbent local exchange carriers.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3184, Item 63 12/14/2006 (Staff)

Closed Session - Applications for Rehearing (continued)

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R02-01-011 - Conference with Legal Counsel - Application for Rehearing

[6269]

Disposition of application for rehearing filed by the Northern California Power Agency, California Municipal Utilities Association, Merced Irrigation District, Modesto Irrigation District, Turlock Irrigation District, and the City of Hercules of D06-07-030. In D06-07-030, the Commission resolved various outstanding issues relating to the cost responsibility surcharge methodology and the level of undercollections applicable to Direct Access and Municipal Departing Load customers. *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

40

[6149]

FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

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[6204]

FERC Docket Nos. EL00-95 & -98,et al;9th Cir.Nos.01-71051 & 01-71934 et al;PG&E et al v AZ Electric Power Coop., et al, US Dist. Ct, Eastern District CA No.2:06CV-00559-MCE-KJM;SDG&E et al v AZ Electric Power Coop,et al,US Dist. Ct, ED CA No.206CV-0592

FERC Docket Nos. EL00-95 and EL00-98, et al.; Ninth Circuit Nos. 01-71051 and 01-71934, and related dockets; Pacific Gas and Elec. Co., et al. v. Arizona Elec. Power Coop., et al., United States District Court, Eastern District of California No. 2:06-CV-00559-MCE-KJM; and San Diego Gas and Elec. Co., et al v. Arizona Elec. Power Coop., et al. , United States District Court, Eastern District of California No. 2:06-CV-0592.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Agenda 3184, Item 69 12/14/2006 (Staff)

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session